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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,384	12/06/2001	Gary F. Feierbach	04860P2679	2221

7590 07/11/2003

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EXAMINER

TOLIN, GERALD P

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/020,384	FEIERBACH, GARY F.
	Examiner	Art Unit
	Gerald P Tolin	2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 June 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-5,7-35 and 42-46 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-5,7-35 and 42-46 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on 03 March 2003 is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

1. The 6-18-03 amendment has been received.
2. The 3-3-03 drawing changes have been previously approved.
3. Claims 1-5,7,8,10,11,15,16,18-23,42 and 44 are rejected under 35USC102(b) as anticipated by Yamamoto(574) for the same reasons given in paragraph 12 of the first action and repeated in the final rejection.
4. Claims 1-5,7,8,10,11,15,16,18-22,42 and 44 are rejected under 35USC102(b) as anticipated by Suzuki for the same reasons given in paragraph 13 of the first office action.
5. Claims 9,12-14,17,25-28,32-35,43,45 and 46 are rejected under 35USC103 as obvious over either Suzuki or Yamamoto(574) for the same reasons given in paragraph 15 of the first office action.
6. Claims 24 and 29-31 are rejected under 35USC103 as obvious over either Suzuki or Yamamoto taken with Akamatsu for the same reasons given in paragraph 16 of the first office action.
7. The current amendment adds in the independent claims that the closed end comprises a thermally conductive planar surface to interface directly with the electronic device.

It is argued that the cited art lacks this recitation. On page 1 of the remarks it is stated that Yamamoto uses solder between the plate and the component for better thermal transfer. Suzuki is said to use a thermally conductive compound for the same purpose. Firstly, the language of the claims is broader than argued. "To interface directly" is a function that is met by the art. Such capability is present in the applied art.

Secondly, the cover figure of Yamamoto(figure 24) shows direct contact.

Next, 15 of Suzuki is a thermal compound such as grease which does not prevent direct contact when pressed down. See column 6 lines 47-49 of the Suzuki reference.

It is further pointed out that current claim 8 adds a thermal paste (grease and paste are interchangeable). Such depends on the claim 1 "direct" language which implies that paste or grease does not prevent direct contact in the current description.

The current written description on page 10, the last five lines, allows for thermal paste to improve thermal transfer.

In summary, applicant's arguments for patentability are not convincing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald P Tolin whose telephone number is 703-308-3114. The examiner can normally be reached on M-F first friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 703-308-0538. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Gerald P Tolin
Primary Examiner
Art Unit 2835



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Art Unit: 2835

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gpt
June 26, 2003

A handwritten signature in black ink, appearing to read "GPT".